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STATE OF NORTH CAROLINA MILE 13 IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

WAKE COUNTY

FILE NO.: 11 CVS

THE NORTH CAROLINA STATE BAR,

BY-

Petitioner

CONSENT ORDER OF PRELIMINARY INJUNCTION

TINA PATRICK-BROADWAY, Attorney,

ν.

Respondent

THIS MATTER is before the undersigned Judge of Superior Court of Wake County on motion of petitioner, the North Carolina State Bar. Petitioner was represented by Carmen H. Bannon. Respondent, Tina Patrick-Broadway, represented herself. Based upon the consent of the parties, the Court makes the following:

## FINDINGS OF FACT

- 1. Respondent, Tina Patrick-Broadway ("Broadway"), was licensed to practice law in North Carolina in 1994.
- 2. Broadway's address of record on file with the North Carolina State Bar is 3430 Toringdon Way, Suite 105, Charlotte, NC, 28277.
- 3. The State Bar has received evidence indicating that funds held in trust by Broadway were mishandled by Broadway.
  - 4. Broadway desires to cooperate with the State Bar.
- 5. While the State Bar reviews the matter and affected accounts, a need for prompt action exists to ensure that funds entrusted to Broadway are properly safeguarded.

Based upon the foregoing Findings of Fact, the Court makes the following

## CONCLUSIONS OF LAW

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Broadway's trust and operating accounts and to ensure that client funds are properly safeguarded.

- 2. Until permitted to do so by further order of this Court, Broadway should be enjoined from accepting any further funds from or on behalf of clients or other individuals in any fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.
- 3. To assist the State Bar's analysis of her trust and operating accounts, Broadway should provide the State Bar, to the extent not already provided, with records of all accounts in which client or fiduciary funds have been deposited.
- 4. Broadway should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact until and unless permitted to do so by further order of this Court.

## THEREFORE, IT IS HEREBY ORDERED:

- 1. Tina Patrick-Broadway is enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of this Court.
- 2. Broadway or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Broadway's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Broadway or any other person having custody or control over records relating to individuals for whom he has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents including but not limited to client files, billing statements, memoranda and receipts. Current client files shall be made available or produced within 5 days of demand by the State Bar and closed client files shall be made available or produced within 8 days of demand by the State Bar.
- 4. If Broadway does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rules 1.15-2 and 1.15-3 of the Rules of Professional Conduct, she shall direct the bank(s) where her bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Broadway's expense.

- 5. Broadway shall provide the State Bar within 90 days with identification of all funds held in trust in any trust account, including but not limited to providing a client ledger for each client who has a positive balance in any client trust account she maintains, along with contact information for each such client.
- 6. Broadway shall not serve in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact until and unless she is permitted to do so by further order of this Court.
- 8. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

This the day of December, 2011.

Wake County Superior Court Judge

WE CONSENT

Carmen H. Bannon

Attorney for Petitioner

Respondent